



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JILL ANN LIEBER PASARELL,

Plaintiff,

-v-

CAROLYN W. COLVIN,
Acting Commissioner
of Social Security.

Defendant.
-----X

12 Civ. 6232 (JPO)(JCF)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

J. PAUL OETKEN, District Judge.

Plaintiff Jill Ann Lieber Pasarell brings this action pursuant to section 405(g) of the Social Security Act, 42 U.S.C. § 405(g). Pasarell seeks review of a determination by the Commissioner of the Social Security Administration (“the Commissioner”), who affirmed a decision by an Administrative Law Judge (“ALJ”) determining that Pasarell was not entitled to disability insurance benefits or Supplemental Security Income (“SSI”). Each party submitted motions for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. After reviewing the administrative record and the parties’ submissions, Magistrate Judge James C. Francis IV issued a Report and Recommendation (“the Report”), recommending that the Commissioner’s motion be granted and Plaintiff’s motion be denied. No objection to the Report has been filed.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Wilds v. United Parcel Service, Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted). If a party fails to make a timely objection

to a report, that party waives their right to object and appellate review of the district court's decision adopting the report, absent unusual circumstances, is precluded. *See United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir.1997).

Since no party filed a timely objection to the Report, the Court reviews it for clear error. After a careful review of the Report, the Court is satisfied that the Report contains no clear error on the face of the record. Accordingly, the Court hereby adopts the Report's recommendation in its entirety. Defendant's motion for judgment on the pleadings (Dkt. No. 16) is hereby GRANTED, and Plaintiff's motion for judgment on the pleadings (Dkt. No. 9) is hereby DENIED. The Clerk of Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

Dated: New York, New York
August 27, 2013



J. PAUL OETKEN
United States District Judge